IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

WHETSTONE ELECTRONICS, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	
	§	
XEROX CORP., et al.	§	
	§	CASE NO. 6:10 CV 278
Defendants.	§	PATENT CASE
	§	
	§	

ORDER

The Court held a status conference on April 6, 2011 to discuss the streamlining of this case for trial. *See* (Doc. No. 155). During the status conference, Defendants requested an early *Markman* on three "case dispositive" terms, suggesting that early construction of these terms will allow each party to better evaluate its case moving forward. Plaintiff did not agree that an early *Markman* was necessary, but did suggest limiting discovery before the currently scheduled October 2011 *Markman* hearing. After considering the parties' proposals, the Court finds that an early *Markman* hearing on the three terms discussed during the status conference is warranted and will prove beneficial.

Accordingly, the Court **ORDERS** Defendants to submit its three claim terms to the Court by **April 11, 2011.** The Court sets a *Markman* hearing on the identified three terms for **July 13, 2011** at 1:30 p.m. The parties shall meet and confer and propose a briefing schedule and submit any Agreed or Proposed Technical Advisors to the Court by **April 25, 2011**.

Pending a claim construction ruling on the three identified terms, discovery shall consist of production of user and service manuals of the accused products as discussed during the status

conference. Moreover, Plaintiff will be permitted to depose one representative from each Defendant regarding the accused products and related manuals.

After the Court issues its claim construction of the three terms, discovery as to all issues in this case shall resume. The Court notes a trend in complex patent cases where the parties undertake "rolling" productions of documents and in many cases the most relevant documents are produced near the discovery deadline invariably leading to acrimonious motion practice. Accordingly, while the discovery deadline for all other purposes will remain January 13, 2012, all relevant documents must be produced by **December 10, 2011**.

So ORDERED and SIGNED this 7th day of April, 2011.

JOHN D. LOVE

UNITED STATES MAGISTRATE JUDGE